

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In Re

Case No. _____
AP No. _____

Debtor(s).

Plaintiff,

v.

Defendant.

ORDER TO TRANSMIT RECORD
IN NON-CORE PROCEEDING TO
DISTRICT COURT, COMBINED
WITH FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
RECOMMENDATION REGARDING
PLAINTIFF'S REQUEST FOR
ENTRY OF DEFAULT JUDGMENT

The Clerk of the Bankruptcy Court is directed to transmit this Adversary Proceeding to the District Court for consideration of the following.

TO THE DISTRICT COURT:

Having examined the record in this Adversary Proceeding and having found it to be a non-core proceeding, the Bankruptcy Court is without authority to enter a final or dispositive order or judgment. (See, § 157(c), Title 28 United States Code). Plaintiff has requested entry of default judgment.

This court determined that

[] No hearing was necessary.

[] A hearing was necessary, which hearing was held on _____ at _____, on notice to _____

at which hearing there appeared _____

who was heard.

FINDINGS

This court now finds that the Complaint was filed by the plaintiff on _____; that an affidavit of service was filed attesting to service of the Summons and a copy of the Complaint; that the defendant failed to plead or otherwise defend within the time prescribed by law and rule; that the plaintiff has duly and timely requested entry of judgment by default, by application or affidavit filed in this Court on _____, and that the Clerk notified and entered the fact of default on _____.